

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ELLVA SLAUGHTER,

Defendant.

21 Cr. 230 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Based on a new safety protocol that will be implemented imminently, no one may unmask in the courtroom — even in HEPA-filter-outfitted witness and attorney boxes — unless they have tested negative for COVID-19 using an approved molecular diagnostic test. Antigen tests are not approved. If a person will be removing his or her mask, he or she must test negative on the day of his or her appearance. If a speaker has had a confirmed case of COVID-19 (verified by either a doctor's note or a viral test result) within the prior ninety days, he or she will be exempted from these testing requirements. Confirmation of negative test results (or of a prior case of COVID-19) must be provided to the Court through its staff.

To be clear: This new policy will be in effect during Tuesday's hearing and applies to all witnesses and counsel who intend to speak without a mask. Moreover, counsel should make adequate preparations to comply with these requirements before the hearing. The Court will not delay the start of the proceedings on account of this new policy.

The following is a list of the tests that are approved:

- PCR / RT-PCR / ddPCR / Rapid PCR (Polymerase Chain Reaction)

- NAA / NAAT (Nucleic Acid Amplification)
- AMP PRB (Amplified Probe)
- LAMP (Loop-mediated Isothermal Amplification)
- Accepted molecular diagnostic test brands, including but not limited to:
 - Abbott ID NOW
 - Quidel Lyra PCR
 - Abbott Realtime PCR
 - Cobas Qualitative PCR
 - FTD PCR
 - Xpert Xpress
 - Simplexa Direct PCR
 - RUCDR Infinite Biologics
 - Lucira Health

The following are tests that are **NOT** approved:

- All tests that do not have FDA authorization or approval
- All Antigen (Ag) tests (including but not limited to Quidel Sophia, Abbott BinaxNOW and Rapid Antigen Tests)
- All Antibody tests (such as IgG, IgA, IgM and Rapid Antibody Tests)
- All blood tests (such as fingerstick, venipuncture)
- All plasma tests
- All serum tests
- All lateral flow tests

- Any doctor's note

If counsel have any questions or need assistance (either procuring an approved test or arranging for a location within the courthouse to perform a test), they should email covid_response@nysd.uscourts.gov. If needed, the Court has tests that can be made available to the parties free-of-charge and that can be taken one hour prior to the scheduled appearance time, provided that there is 24-hours' notice sent to the Covid Response email.

SO ORDERED.

Dated: January 28, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge